UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CLARK, DAVID J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-13* is/are rejected.
7)☒ Claim(s) *7* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *30 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This action is in reply to the application filed on 30 January 2004, and subsequent preliminary amendment filed on 08 March 2004.

2.   Claims 2-13 have been added.

3.   Claims 1-13 are currently pending and have been examined.

Drawings

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "105" has been used to designate both Client Browser and Web Server. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5.   The drawings are objected to under 37 CFR 1.83(a) because they fail to show the labels "115 for the Web Server and "125" for the Indicia as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6.   The drawings are objected to because paragraph 00012 of the specification suggests that the process begins at the client browser 105, *selection of this service constructs an XML indicia request 110 and submits the request to a Web Server 115.* Figure 1 suggests the process begins with an *XML Indicium Request 110* then *Client Browser 105 submit to Web Server 105.* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

7.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character 230 has been used to designate both an interface and a PSD per paragraph 00031 of the specification.   Moreover, per paragraph 00031 of the specification, the unlabeled block number 230 could either indicate *an interface* or *more PSD's.* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

8.   The drawings are objected to because paragraph 00031 suggests that *a method of payment is selected 215* then *a payment is collected 220.* Figure 2 suggests that *a payment is collected 220* before *a method of payment is selected 215.* Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

9.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The arrow labeled "Logon" from the Supervisor block 310 to the WebServer block and the WebServer block. Moreover paragraph 00032 states, "*A supervisor 310 configures funds downloading through an indicia service routine 315*" implying that the arrow should originate at Supervisor 310 and end at Indicia Service 315. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

Specification

10.   The disclosure is objected to because of the following informalities: Paragraph 0001 is apparently missing text to aid in the understanding of the paragraph. Paragraph 00031 identifies and labels both an interface and PSD with "230".
Appropriate correction is required.

11.   The use of the trademarks SAFE™, Visual C++®, and Visual Basic® have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

12.   Claim 7 is objected to because of the following informalities: The limitation *the function for activating or suspending indicia printing displays an indicia string as an individual PSD of the one or more PSD's creates indicia* is vague. For purposes of the examination, the Examiner will assume that the Applicant meant to delete the last two words. Appropriate correction is required.

Claim Rejections - 35 USC § 112

13.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The *function for activating or suspending indicia printing* is vague and indefinite. One with ordinary skill in the art would distinguish the difference in scope with *activating indicia printing* or *suspending indicia printing*. In this case, it is not clear which action is to be performed. For the purposes of examination, the Examiner will assume the phrase, "one of activating or suspending…"

15.   Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation *the function for activating or suspending indicia printing*

displays an indicia string as an individual PSD of the one or more PSD's creates indicia is

vague and Indefinite. For purposes of the examination, the Examiner will assume that

the Applicant meant to delete the last two words.

16.   Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The limitation *the PSD agent is not directly accessible by a*

developer defines what the PSD Agent is not rather than what it is and does not fully

disclose the metes and bounds of the limitation.

Claim Rejections - 35 USC § 101

17.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

18.   Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. The claimed invention does not fall into one of the

statutory categories: process, machine, manufacture, composition of matter or an

improvement thereof. Replacing the words *application program interface (API)* with "an

application program interface (API) executable program tangibly embodied on a

computer readable medium" is a suggestion for how to bring these claims into

compliance with 35 U.S.C. 101 because "a computer-executable program tangibly

embodied on a computer readable medium" is statutory subject matter.

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the subject matter as a whole would
have been obvious at the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be negatived by the manner
in which the invention was made.

20.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under

35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

21.   Claims 1-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ogg et al (US PGP 2002/0178354 A1) in view of Brookner (US 6,227,445 B1).

Claim 1:

Ogg as shown, discloses the following limitations:

- a *function for configuring COM ports of the one or more PSD's* (see at least

  paragraph 0035);

- a *function for initializing the one or more PSD's* (See at least paragraph 0259);

- a *function for enabling funds management* (see at least paragraph 0033);

- a *function for activating or suspending indicia printing* (see at least paragraph

  0037)

  Although Ogg discloses, "system sends a password (or passphrase) entered by a
  user to the server for verification" (paragraph 0037), Ogg does not fully disclose the
  limitation of *a function for logging in to the one or more PSD's using PIN numbers.*
  However, Brookner, in at least Column 4, Lines 29-30, discloses "the user is afforded
  an opportunity at block 113 to enter a personal identification number (PIN)". It would
  have been obvious to one of ordinary skill in the art at the time of the invention to
  modify the method of sending a password (or passphrase) entered by a user with the

technique of entering a personal identification number (PIN) because a PIN is a commonly used passphrase that is known by an individual and not known by others, thus enhancing the security of the invention.

Claims 2, 3, 7, 8, 9, 10, 13:

Ogg as shown, discloses the following limitations:

- (Claim 2) *the function for configuring COM ports comprises a facility for specifying a COM port and a computer name for each of the one or more PSD's* (see at least paragraph 0067).

- (Claim 3) *the function for initializing the one or more PSD's starts the internal software of the one or more PSD's* (see at least paragraph 0259).

- (Claim 7) *the function for activating or suspending indicia printing displays an indicia string as an individual PSD of the one or more PSD's creates indicia* (see at least paragraph 0040).

- (Claim 8) *An application program interface (API) for one or more postal security devices (PSD's), comprising:*

    o *a control program to maintain and regulate the activities of the one or more PSD's* (see at least paragraph 0026).

    o *a PSD agent used exclusively by the control program to service the one or more PSD's* (see at least paragraph 0026).

    o *an image maker routine that operates to convert indicia into an image file for printing by the one or more PSD's* (see at least paragraph 0036).

- (Claim 9) *the activities controlled and maintained by the control program include indicia creation* (see at least paragraph 0032), *postage download* (see at least paragraph 0502), *and server configuration* (see at least paragraph 0067).

- (Claim 10) *the PSD agent is not directly accessible by a developer* (see at least paragraph 0037). While Ogg does not state that *the PSD agent is not directly accessible by a developer*, it would have been obvious to one of ordinary skill in the art at the time of the invention to not allow access to a developer because all security related elements are intended for the client user.

- (Claim13) *the image file is a bitmap file* (see at least paragraph 0502)

Claims 4-6:

Whereas, Ogg discloses *a function for enabling funds management*; Ogg does not disclose the following:

- (Claim 4) *the function for enabling funds management allows a programmer to configure a dial up adapter for communication with a service provider infrastructure*

- (Claim 5) *the function for enabling funds management allows a programmer to configure a network interface for communication with a service provider infrastructure*

- (Claim 6) *the function for enabling funds management allows a programmer to set an automatic download threshold*

Brookner in column 2 lines 24-33 discloses that the data link from the TMS host to the PSD "may be a modem-to-modem telephone connection, or an ISDN connection, or a TCP/IP connection". Brookner further discloses that an *automatic download threshold* can be reached due to "the programming of the PSD" (Column 2 Lines 20-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of the funds management system of Ogg with the communication and threshold technique of Brookner because Brookner suggests that it has been proposed to use a PSD connected via a nonsecure communication channel with a nonsecure printer as a substitute for a classic postage meter (Column 1 lines 21-24).

22.   Claims 1-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ogg et al (US PGP 2002/0178354 A1) in view of Lingle et al. (US 7,149,726 B1).

Claims 11-12:

Whereas, Ogg discloses *an image maker routine that operates to convert indicia into an image file for printing by the one or more PSD's;* Ogg does not disclose that *the image maker routine is a dynamic link library* (Claim 11) and *the image file is a JPEG file* (Claim 12). Lingle et al discloses that indicia graphics can be displayed embedded within a dynamic link library (Column 21, lines 62-66) and in clip art (Column 21 line 67). At the time of the invention it was known that clip art contained graphic files such as JPEG, bitmap, GIF, TIFF, etc. where JPEG is one option. It would have been obvious to one of ordinary skill in the art the time of the invention to combine the indicia conversion into an image file of Ogg with the embedded dynamic link library and JPEG images of Lingle et al to save memory space.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning

this communication or earlier communications from the Examiner should be directed to **David J.**

Clark whose telephone number is **571.270.3938.** The Examiner can normally be reached on

Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are

unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710.**

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have

questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

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/David J Clark/
Examiner, Art Unit 414328 November 2007
/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143